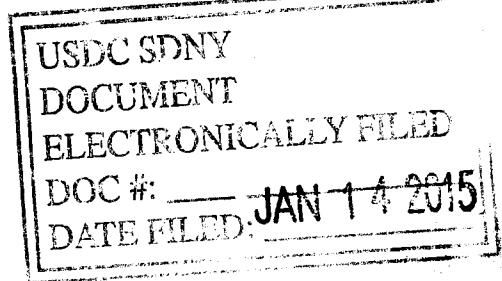


Criminal Notice of Appeal - Form A

NOTICE OF APPEAL

United States District Court

Southern District of New York



Caption:
United States v.

Jose Pena

Docket No.: **09 Cr. 341 (VM)**
Marrero
(District Court Judge)

Notice is hereby given that **Jose Pena** appeals to the United States Court of Appeals for the Second Circuit from the judgment other (specify) entered in this action on **12/19/14** (date)

This appeal concerns: Conviction only Sentence only Conviction & Sentence Other

Defendant found guilty by plea trial N/A

Offense occurred after November 1, 1987? Yes No N/A

Date of sentence: **12/19/14** N/A

Bail/Jail Disposition: Committed Not committed N/A

Appellant is represented by counsel? Yes No If yes, provide the following information:

Defendant's Counsel: **Elizabeth E. Macedonio**

Counsel's Address: **80 Broad Street - Suite 1900**

New York, NY 10004

Counsel's Phone: **212-257-6410**

Assistant U.S. Attorney: **Laurie Korenbaum**

AUSA's Address: **1 Saint Andrew's Plaza**

New York, NY 10007

AUSA's Phone: **212-637-2200**



Signature



80 Broad Street • Suite 1900 • New York • New York • 10004
Office: 212-257-6410 • Fax: 212-257-6453 • Email: emacedonio@yahoo.com

Via Facsimile 212-805-6382

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY	
DOCUMENT	
ELECTRONICALLY FILED	
DOC #	1/6/15
DATE FILED:	

January 5, 2015

Re: United States v. Jose Pena
09 Cr. 341 (VM)

Dear Judge Marrero:

With the consent of the government, this letter is written to request that the Court extend the date for Mr. Pena to file a notice of appeal in this matter.

After a trial before this Court, Mr. Pena was sentenced to life imprisonment on December 19, 2014. The judgment was filed the same day. Under the Federal Rule of Appellate Procedure 4(b)(1)(A), Mr. Pena's notice of appeal was to be filed on or before January 2, 2015. However, Rule 4(b)(4) permits the District Court to extend the filing deadline for a thirty day period upon a finding of excusable neglect or good cause.

In the instant matter, the period to file a notice of appeal fell directly in the middle of both the Christmas and New Year's holidays. Moreover, the under signed was sick and therefore out of the office from December 24, 2014 to January 5, 2015. Upon returning to the office, I immediately addressed this issue.

For these reasons it is respectfully requested that the Court extend the filing date of Mr. Pena's notice of appeal. Upon approval of this application, counsel will immediately file a notice of appeal. I thank Your Honor for his consideration in this matter.

Respectfully,

Elizabeth E. Macedonio

Elizabeth E. Macedonio
Counsel to the Defendant
Jose Pena

cc: Laurie Korenbaum, AUSA – Via Electronic Mail

SO ORDERED. Request GRANTED. The time for defendant Jose Pena to file a notice of appeal herein is extended to 2-2-15.
DATE 1-5-15
<i>Victor Marrero, U.S.D.J.</i>